

Remarks

Prior to this Amendment and Response, claims 1-10 and 14-20 were pending in the Application. Herein, claims 1-4, 6, 8, 10, 14-16, and 20 were amended; and no claims were added or cancelled. Therefore, upon entry of the Amendment, claims 1-10 and 14-20 will remain pending in the Application. Entry of this Amendment, reconsideration, and allowance of the pending claims is respectfully requested.

Claim Rejections – 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 1-10 and 14-20 under 35 U.S.C. §103 as being unpatentable over *Puhl et al.* (U.S. Patent No. 6,223,291) in view of *Harris et al.* (U.S. Patent No. 6,331,972), and *Davis et al.* (U.S. Patent No. 6,282,522). In response, Applicant has amended independent claims 1 and 15 to more clearly set forth the features and benefits of the present invention.

Specifically, the present invention is directed to an apparatus and method for downloading, or copying content from one mobile station to another. In this way, one user may obtain the content used by another without having to determine the source. This is specifically applicable, of course, to content for which the second user must pay.

The amendments to the claims highlight this by reciting that the content is downloaded from a peer mobile station, which is only a 'provider' of the content in this limited sense. The 'owner' of rights in the content is the 'third-party' that will receive payment for use of the content. In this context, note that the 'payment entity' may be yet another person whose function is to receive payment on behalf of the true 'third party content provider'.

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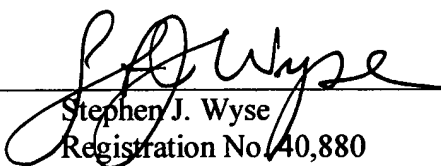
The cited prior art, and specifically in *Puhl et al.* (in the portions pointed out by the Examiner and elsewhere), deal with purchasing a product (such as content) from the provider. In *Puhl et al.* a great deal of attention is paid to encryption during the downloading process, and to the certificate authority (CA) that issues keys for the encryption procedure. The recipient of the product never receives it from a peer, with only a credit check before downloading or with payment verification taking place before the downloaded content may be executed.

In light of the amendments and reasons provided above, Applicant respectfully suggests that this ground for rejection has been overcome. The pending claims are believed to be in condition for allowance. Accordingly, examination and allowance of pending claims 1-10 and 14-20 is respectfully requested.

Respectfully submitted,

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